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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,139	08/29/2003	William J. Troyer	1880A1	1169
7590	06/15/2009		EXAMINER	
PPG INDUSTRIES, INC. Intellectual Property Department One PPG Place Pittsburgh, PA 15272			MANSFIELD, THOMAS L	
			ART UNIT	PAPER NUMBER
			3624	
			MAIL DATE	DELIVERY MODE
			06/15/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: WILLIAM J. TROYER and DAVID RAY BROCIOS

Application No. 10/652,139
Technology Center 3600

Mailed: June 15, 2009

Before QUITA GOULD, *Supervisory Paralegal Specialist, Review Team*
GOULD, *Supervisory Paralegal Specialist, Review Team*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on June 1, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

APPEAL BRIEF, STATUS OF CLAIMS

A review of the file finds that the status of the claims as provided in the Appeal Brief filed on November 17, 2008, under the heading “Status of Claims” is unclear and/or is not consistent with the status of claims of record in accordance with 37 CFR 41.37(c)(1)(iii). The status of the claims as provided in the Appeal Brief must be consistent with the last entered amendment. Each claim on appeal must be identified. *See also Manual of Patent Examining Procedure (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007)* for details.

A review of the last entered amendment finds that claims 2 and 14 are cancelled; whereas Appellant has not indicated the status of these claims. Correction of the status of all claims is required.

FEES

The review of the file reveals that the Appeal Brief filed on November 17, 2008 is missing the filing fee.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed on November 17, 2008, defective;
- 2) to notify Appellant to file a paper properly addressing the status of all claims;

3) to notify Appellant that the Appeal Brief filed on November 17, 2008 is missing the necessary filing fee; and

4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

QG/lw

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